

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2009-005838-001 DT

04/06/2011

HONORABLE CARI A. HARRISON

CLERK OF THE COURT
V. Morales
Deputy

STATE OF ARIZONA

PAUL EDWARD KITTREDGE
KELI B LUTHER

v.

DANIEL RAY GUKEISEN (001)

LARRY L DEBUS
CHARLES E SEARS

VICTIM SERVICES DIV-CA-CCC

TRIAL MINUTE ENTRY
DAY NINE

10:00 a.m. Deliberations continue from April 5, 2011.

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|-----------------------|---|
| State's Attorney: | Paul Kittredge (appearing telephonically) |
| Defendant's Attorney: | Larry Debus (appearing telephonically) |
| Defendant: | Not Present (presence waived) |
| Court Reporter: | Terry Masciola |

Jeff Johnson is present on behalf of the victim's family.

11:22 p.m. LET THE RECORD REFLECT that the Court has received a question from the jury. Same is discussed by Court and counsel a written response is given to the jury.

FILED: Juror Questions (1).

IT IS ORDERED State's Exhibit 173 be unsealed to allow the jury to view the video tape previously admitted into evidence on March 29, 2011.

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LET THE RECORD REFLECT that State's Exhibit 173 is unsealed by Frederick Witte on this day.

11:26 a.m. Court stands at recess.

12:00 p.m. Jury deliberations cease for lunch break.

1:11 p.m. The jury is all present in the jury room and deliberations resume.

3:47 p.m. Trial to jury continues from April 5, 2011.

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|-----------------------|----------------|
| State's Attorney: | Paul Kittredge |
| Defendant's Attorney: | Larry Debus |
| | Charles Sears |
| Defendant: | Not Present |
| Court Reporter: | Terry Masciola |

The Defendant is not present. Defense counsel informs the Court that the Defendant will not be present for the reading of the verdict for reasons stated on the record.

Counsel for the State makes an oral motion to have Defendant held in Contempt of Court and Issue a Bench Warrant for reason stated on the record.

Counsel is advised that the Court will consider the motion after the reading of the verdict.

(3:49 p.m.) The jury is present.

The twelve members of the jury are all present in the jury box and by their foreperson return into Court their verdict, which is read and recorded by the clerk, and is as follows:

"We, the Jury, duly empanelled and sworn in the above-entitled action, upon our oaths, do find the Defendant, Daniel Ray Gukeisen, on the charge of Manslaughter: Guilty.

We further find the offense to be a non-dangerous offense.

Signed Presiding Juror No.3"

The jury replies that this is their true verdict.

At the request of the Court, the jury is polled, and each juror replies that this is his or her

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verdict.

FILED: Verdict

(3:53 p.m.) The jury retires to the jury room while the Court makes revisions to the aggravation instructions.

3:54 p.m. Court stands at recess.

3:59 p.m. Court reconvenes with respective counsel and the Defendant not present. The jury is not present.

Court Reporter: Terry Masciola

The parties stipulate to the aggravating factors; therefore,

THE COURT FINDS the following aggravating circumstances and will consider these factors at sentencing:

The offense involved the infliction or threatened infliction of serious physical injury.

The offense caused physical harm to the victim, or if the victim died as a result of the conduct of the defendant, caused emotional or financial harm to the victim's immediate family.

(4:00 p.m.) The jury is present.

(4:03 p.m.) The jury is excused from further consideration of this cause.

IT IS ORDERED a Bench Warrant issue for the arrest of the Defendant.

Defendant's Name and Address:

Daniel Ray Gukeisen

430 W. 1 St. #102

Tempe, AZ 85281

IT IS FURTHER ORDERED imposing the \$45.00 fee authorized by A.R.S. § 11-251.08 and directing that defendant pay this sum immediately to the Clerk of the Court.

IT IS ORDERED pursuant to Rule 7.2 Defendant shall not be released on bail or own recognizance.

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ISSUED: Bench Warrant

Upon oral Motion by the State, and good cause appearing based on the following grounds:

For reasons stated on the record,

IT IS ORDERED that Daniel Ray Gukeisen surrenders his/her passport booklet/card to this Court.

Defense counsel makes a record regarding communication with the Defendant multiple attempts to contact the Defendant.

Only those exhibits not offered in evidence are released.

FILED: Exhibit worksheet, Trial Worksheet.

4:06 p.m. Court is adjourned.

LATER:

LET THE RECORD REFLECT a bench warrant is issued at 4:43 p.m. on this date.

This case is eFiling eligible: <http://www.clerkofcourt.maricopa.gov/efiling/default.asp>. Attorneys are encouraged to review Supreme Court Administrative Orders 2010-117 and 2011-10 to determine their mandatory participation in eFiling through AZTurboCourt.